

**Proposed Ordinance : #0-28-19**  
**Subject Matter – Zoning 402 N. Jeff Davis**  
**Date First Presented at Council Public Meeting: 10-17-19**  
**Date of Public Hearing Before City Council: 10-17-19**  
**Date of Second Reading and Adoption: 11-7-2019**  
**Date of Notice Published in Fayette County News: 09-25-19**

**CITY OF FAYETTEVILLE**  
**COUNTY OF FAYETTE**  
**STATE OF GEORGIA**

**ORDINANCE NUMBER 0-28-19**  
**(as enacted)**  
**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**

The City of Fayetteville (the “City”), has received an application from Danny England to rezone the property described in Exhibit “A” as Tract 3 attached hereto. (Said property shall be referred to herein as “Property”). The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City had complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-6 prior to the adoption of this ordinance.

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE**

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

**ARTICLE I**

The zoning classification of the described property in Exhibit “A” (the “Property”) as Tract 3 attached hereto and incorporated herein, shall be, and hereby established as **DR-15**, pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance, subject to Article IV below.

**ARTICLE II**

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

### **ARTICLE III**

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

### **ARTICLE IV**

This ordinance shall become immediately effective upon its adoption, subject to the following conditions:

1. Any condition or conditions imposed upon the petitioner by the City, and contained in the Council's minutes. Such condition(s) must be satisfied before the change in status will take permanent effect. Should the imposed condition(s) fail to be performed within the prescribed time period set forth by the City in either the Council minutes or in representations made by the applicant documented in the Council's minutes, the property at issue will automatically revert to the status or classification it occupied before the petitioner's application for rezoning was filed. If no prescribed time period is set, then the conditions must be met within the times set forth below at paragraph 2 of this Article IV.

2. The petitioner's substantial compliance, within twelve (12) months of the date of this ordinance (unless extended by the Council at the request of the Applicant), with the plans for the project proposed in the Plat submitted with the applicant's initial application for zoning, and as thereafter amended by the applicant and accepted by the City Council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan. The applicant's final representation of proposed use of the site, the final development plans presented to the Mayor and Council in support of the application, and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any zoning granted by this ordinance. If, within twelve (12) months of the classification granted by this ordinance, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the Council, the zoning granted herein shall be automatically revoked of the reclassification granted, and reversion to the prior classification the land occupied before the application was submitted. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the City Council.

3. Conditions include those contained in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 7<sup>th</sup> day of November, 2019, by the following voting for adoption:

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Edward J. Johnson, Jr., Mayor

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Richard J. Hoffman, Mayor Pro Tem

Attest:

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Kathaleen Brewer, Councilmember

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Anne Barksdale, City Clerk

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Paul C. Oddo, Jr., Councilmember

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Harlan Shirley, Councilmember

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Scott Stacy, Councilmember

**EXHIBIT "A"**

PROCEEDINGS OF THE 1997 ANNUAL MEETING